

PROB 12B
(12/00)

United States District Court
for
The District of Rhode Island

Request for Modifying the Conditions of Supervision
with Consent of the Offender

Name of Offender: Anthony Miller **Case Numbers:** 1:11CR00168-02S & 1:12CR00088-01S

Name of Sentencing Judicial Officer: Honorable William E. Smith, Chief U.S. District Judge

Date of Original Sentence: March 8, 2013

Original Offense: 1:11CR00168-02S: Count 1: Conspiracy to Commit Bank Robbery, in violation of Title 18, U.S.C., Section 371, a Class D felony; and Count 2: Bank Robbery, Aiding and Abetting, in violation of Title 18, U.S.C., Sections 2113(a) and 2, a Class C felony.

1:12CR00088-01S: Forcibly Assault, Resist, Oppose, Impede, Intimidate, Interfere, and Inflicted Bodily Harm on an Employee of the United States while Performing Official Duties, in violation of Title 18, U.S.C., Section 111(b), a Class C felony.

Original Sentence: 1:11CR00168-02S: Count 1: 60 months incarceration, Count 2: 70 months incarceration, to run concurrently with each other and the term imposed in 12CR00088, 3 years supervised release with special conditions for mental health treatment and substance abuse testing and treatment. A \$200 special assessment and restitution in the amount of \$3,800 were also imposed.

1:12CR00088-01S: 70 months, to run concurrently with the term imposed in 11CR00168-02S and to run consecutive to the term imposed as to the violation in 09CR151-02S, 3 years supervised release with special conditions for mental health treatment and substance abuse testing and treatment. A \$100 special assessment was also imposed.

On November 13, 2017, Mr. Miller's conditions of release were modified to include the following: The defendant shall spend up to six (6) months at a Residential Re-entry Center, preferably the Houston House in Pawtucket, Rhode Island. While at said facility, the defendant shall comply with all the policies, procedures, and regulations therein.

Type of Supervision: Supervised Release **Date Supervision to Commence:** November 13, 2017

- ☐ To extend the term of supervision for _____ years, for a total term of _____ years.
- ☒ To modify the conditions of supervision as follows:

The defendant shall perform 25 hours of community service as directed and approved by the Probation Office.

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CAUSE

On March 18, 2018, Mr. Miller voluntarily left the Houston House and changed his residence without approval from the Probation Office. According to the Incident Report provided by the Houston House, Mr. Miller failed to submit a leave itinerary for the day and was therefore denied permission to leave the program. Mr. Miller attempted to submit an itinerary that appeared to be one from a previous date. After being denied, Mr. Miller absconded from the program.

On March 19, 2018, Mr. Miller contacted Officer Dufresne and they met at a residence in Pawtucket, RI that Mr. Miller was proposing to reside. Mr. Miller advised that he thought he could leave the program once he was able to find a suitable living arrangement. He was reminded that the Probation Office needed to approve the residence in advance of him leaving Houston House. He appeared remorseful and was instructed to report to the Probation Office on March 20, 2018, to discuss potential sanctions.

On March 20, 2018, Mr. Miller reported to the Probation Office as directed and met with Officer Dufresne. Officer Dufresne taught and applied STARR Cognitive Model with Mr. Miller in attempt to provide improved decision making skills. As a sanction for his noncompliance, Mr. Miller offered to complete 25 hours of community service.

Mr. Miller was advised of his right to counsel and his right to have a hearing. Mr. Miller executed the executed Probation Form 49 - Waiver of Hearing to Modify Conditions of Probation to now include the above-mentioned modifications to the condition of his supervised release. Acting U.S. Attorney Stephen G. Dambruch and Assistant Federal Defender Kevin Fitzgerald were advised of the proposed modification and informed that they did not have any objections. Based on the foregoing information, it is respectfully recommended that the Court modify Mr. Miller's conditions of supervised release as listed above.

Reviewed and Approved by:



Heather McLoughlin
Supervising U.S. Probation Officer

Date: 5/23/18

Respectfully Submitted by:



Derek Dufresne
U.S. Probation Officer
Re-Entry Specialist

Date: 5/23/18

The Court Orders

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Honorable William E. Smith
Chief U.S. District Judge

5/24/2018

Date

Prob 49
(Rev. 3/89)

United States District Court
for
The District of Rhode Island

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall perform 25 hours of community service as directed and approved by the Probation Office.

Witness: Deke Dupen

Signed: [Signature]

3/20/18
Date